

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

FLORENCE RAINEY-HICKS

APPELLANT,

**v.
MISSOURI ACCREDITATION OF
PROGRAMS FOR CHILDREN AND
YOUTH, ET AL.**

RESPONDENTS.

DOCKET NUMBER WD77960

DATE: May 26, 2015

Appeal From:

Boone County Circuit Court
The Honorable Kevin M.J. Crane, Judge

Appellate Judges:

Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Attorneys:

Daniel R. Dunham, Columbia, MO, for appellant.

John A. Ruth and Alicia K. Turner, Jefferson City, MO, for respondents.

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

FLORENCE RAINEY-HICKS,

APPELLANT,

v.

**MISSOURI ACCREDITATION OF
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RESPONDENTS.

No. WD77960

Boone County

Before Division Two: Lisa White Hardwick, Presiding Judge, Victor C. Howard, Judge and Cynthia L. Martin, Judge

Florence Rainey-Hicks appeals from the trial court's entry of summary judgment in favor of Missouri Accreditation of Programs for Children and Youth and its director Pamela Speer in a lawsuit filed following revocation of accreditation of a daycare facility owned by Rainey-Hicks. Rainey-Hicks asserts that genuine issues of material fact prevented the entry of summary judgment as a matter of law on her breach of contract, breach of fiduciary duty, intentional interference with business expectancy, and negligent misrepresentation claims; and that Missouri Accreditation did not have to be a state actor in order for her to assert a cause of action for violation of common law due process rights.

AFFIRM.

Division Two holds:

(1) Rainey-Hicks admitted that she failed to pay Missouri Accreditation an annual accreditation fee that was clearly due, and that the non-payment of the fee permitted terminating accreditation. This uncontested fact negates Rainey-Hicks's ability to prove at least one essential element of her claims for breach of contract, breach of fiduciary duty, intentional interference with business expectancy, and negligent misrepresentation, warranting the entry of summary judgment as a matter of law.

(2) Missouri does not recognize a cause of action for violation of common law due process rights, warranting the entry of summary judgment on that claim as a matter of law.

Opinion by Cynthia L. Martin, Judge

May 26, 2015

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